

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 22-252 (JDW)
)	
MODERNA, INC. and MODERNATX, INC.)	
)	
Defendants.)	
MODERNA, INC. and MODERNATX, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Counterclaim-Defendants.)	

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2025, upon consideration of Plaintiffs' Motion to Exclude Certain Expert Testimony of Rutherford, Vellturo, and Prud'homme (D.I. 558), it is ORDERED that Plaintiffs' Motion to Exclude Certain Expert Testimony of Rutherford, Vellturo, and Prud'homme is GRANTED:

1. Plaintiffs' Motion to Exclude the testimony of Dr. Vellturo is GRANTED with respect to Dr. Vellturo's opinions relating to Medicare and Medicaid cost-savings, including Paragraphs 39-43 of Dr. Vellturo's November 21, 2024 Opening Expert Report and Paragraphs 30-31 of Dr. Vellturo's March 21, 2025 Reply Expert Report re 28 U.S.C. 1498;

2. Plaintiffs' Motion to Exclude the testimony of Dr. Prud'homme is GRANTED with respect to certain of Dr. Prud'homme's opinions relating to a supposed inability to measure infringement, including Paragraphs 128, 130-133, 135, 229-231, and 233 of his Opening Report, and Paragraphs 37, 46-47, 51-53, 57, 60-62, 89, 93, and 150-158 of his Reply Report.
3. [Alternatively, if Moderna's motion to exclude Brill and Pitts is granted: Plaintiffs' Motion to Exclude the testimony of Dr. Rutherford and Dr. Vellturo is GRANTED with respect to Dr. Rutherford's opinions in his November 21, 2024 Opening Expert Report and March 21, 2025 Reply Expert Report, and with respect to Dr. Vellturo's opinions in his November 21, 2024 Opening Expert and March 21, 2025 Reply Expert Report re 28 U.S.C. 1498].

BY THE COURT:

JOSHUA D. WOLSON, J.